

CHAPTER NO. 297

HOUSE BILL NO. 804

By Representatives Davidson, Bunch

Substituted for: Senate Bill No. 1316

By Senator Graves

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, Chapter 1, Part 1, relative to juvenile court jurisdiction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-103(c), is amended by adding the following language after the words "shall continue until" and before the words "a person":

the case has been dismissed, or until the custody determination is transferred to another juvenile, circuit, chancery or general sessions court exercising domestic relations jurisdiction, or until a petition for adoption is filed regarding the child in question as set out in § 36-1-116(f). However, the juvenile court shall retain jurisdiction to the extent needed to complete any reviews or permanency hearings for children in foster care as may be mandated by federal or state law. This provision does not establish concurrent jurisdiction for any other court to hear juvenile cases, but merely permits courts exercising domestic relations jurisdiction to make custody determinations in accordance with this part. Notwithstanding any other law to the contrary, transfers under this provision shall be at the sole discretion of the juvenile court and in accordance with § 37-1-112. In all other cases, jurisdiction shall continue until

SECTION 2. Tennessee Code Annotated, Section 37-1-112, is amended by deleting the word "juvenile" from the section heading.

SECTION 3. Tennessee Code Annotated, Section 37-1-112, is amended by adding the following language as a new subsection (b) and by re-designating the existing subsections appropriately:

(b) If a juvenile court proceeding is commenced under this part and a proceeding involving the child's custody is also commenced or pending in the circuit, chancery or general sessions court exercising domestic relations jurisdiction, the juvenile court, on motion of a party or on its own motion after an adjudication making specific findings of fact pursuant to § 37-1-129(a)(2) and after ordering any essential services for the child and family, may transfer the custody proceeding to the court where the pending matter has been commenced. Like transfer may be made if the residence of the child changes during the pendency of the juvenile court proceedings. The transfer shall only occur upon a finding of fact by the transferring court that the transfer will be in the best interest of the child, will promote judicial economy, will provide a more reasonable or convenient forum, or for other good cause. The transferring court may communicate with the receiving court concerning the transfer of the case. The transfer of the custody proceeding to another court exercising domestic relations jurisdiction (except to another juvenile court) shall not occur if the case involves allegations of dependency, neglect or abuse and the child is in the custody of the department of children's services.

SECTION 4. Tennessee Code Annotated, Section 37-1-112, is further amended by adding the following as a new, appropriately designated subsection at the end of the section:

(d) An appeal of a transfer decision under this part shall be to the Court of Appeals in accordance with the Tennessee Rules of Appellate Procedure.

SECTION 5. This act shall apply to any case pending or filed on or after the effective date. Any custody order which has been entered by a court exercising domestic relations jurisdiction and which is not the subject of or eligible for appeal on the effective date of this act shall be valid and is hereby declared to be in full compliance with the laws of this state.


SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

PASSED: May 14, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2001


DON SUNDQUIST, GOVERNOR